



**NOTICE OF *EX PARTE*  
PRESENTATION**

February 14, 2005

**VIA ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW B204  
Washington, DC 20554

**Re: *I/M/O National Association of State Utility Consumer Advocates’  
Petition for Declaratory Ruling Regarding Truth-in-Billing and Billing  
Format, CG Docket No. 04-208***

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission’s Rules, 47 C.F.R. § 1.206(b), notice is being provided that on Friday, February 11, 2005, the following representatives of the National Association of State Utility Consumer Advocates (“NASUCA”),<sup>1</sup> and the National Association of Regulatory Utility Commissions (“NARUC”) met with Daniel Gonzalez, Senior Legal Advisor to Commissioner Kevin J. Martin: Kathleen F. O’Reilly – NASUCA; Patrick W. Pearlman – Deputy Consumer Advocate, West Virginia Public Service Commission/NASUCA (by telephone); Joy Ragsdale – Attorney, D.C. Office of Peoples Counsel/NASUCA; James Bradford Ramsay – General Counsel, NARUC; Karlen R. Reed – Assistant Attorney General, Massachusetts Attorney General/NASUCA (by telephone).

The purpose of the meeting was to discuss the issues and arguments raised in connection with NASUCA’s petition for a declaratory ruling in the above-captioned proceeding. In its pleadings, NASUCA addressed why so-called “regulatory” line items billed to consumers by both wireless and wireline carriers are misleading, deceptive and otherwise fail to satisfy certain pro-consumer principles and guidelines set forth in the Commission’s 1999 Truth-in-Billing order and why such charges were not authorized in subsequent Commission orders. In addition, NASUCA’s pleadings described how the carriers’ surcharges appear to over-recover the costs

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<sup>1</sup> NASUCA is an association of 43 consumer advocates in 41 states and the District of Columbia. NASUCA’s members are designated by the laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts. See e.g., *Ohio Rev. Code* Ch. 4911; *W. Va. Code* § 24-1-1(f)(2).

actually imposed upon them by Commission-imposed obligations. Consistent with the arguments set forth in its pleadings, NASUCA asks that the Commission declare that regulatory line items are prohibited unless they are mandated or authorized by federal, state or local government and that, where such charges are authorized, they conform to the amount authorized by the government.

During the February 14, 2005 meeting, NASUCA reiterated its opposition to wireless carriers' arguments that the Commission ought to preempt state laws governing their billing practices and descriptions. NASUCA's representatives also noted why competition in the long distance and wireless telecommunications markets fails to discourage carriers from utilizing misleading and otherwise unreasonable line items and surcharges to enhance their profits. For its part, NARUC expressed its opposition to the wireless carriers' arguments urging the Commission to preempt any effort by state commissions to oversee or limit their use of so-called regulatory line items and surcharges.

At the conclusion of the meeting, Mr. Gonzalez requested an electronic copy of NASUCA's petition and reply comments in this proceeding, as well as a copy of the summaries of NASUCA's position attached to its January 14, 2005 *ex parte* filing. Those documents have previously been filed with the Commission and are currently available via the Commission's ECFS in this proceeding.

Very truly yours,

/s/

Patrick W. Pearlman  
Deputy Consumer Advocate

